

City Council Meeting Minutes

**December 1, 2015
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Muckle, Mayor Pro Tem Jeff Lipton
City Council members: Dennis Maloney, Chris Leh,
Ashley Stolzmann, Susan Loo and Jay Keany***

Staff Present: ***Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Troy Russ, Interim Planning & Building Safety Director
Beth Barrett, Library & Museum Director
Lauren Trice, Planner I
Nancy Varra, City Clerk
Dean Johnson, Parks Superintendent***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

Mrs. Courson's first grade class, from Coal Creek Elementary, led the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Stolzmann. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Fire Chief John Willson, 895 Via Appia, Louisville, CO stated it is his privilege to come before Council once a quarter to respond to any questions the City Council may have about the Fire Department. Council had no questions for the Chief. Chief Willson wished the Mayor and Council a happy and safe holiday season.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Council member Stolzmann. All were in favor.

- A. *Approval of the Bills***
- B. *Approve Library Consortium Agreement By and Between the Flatiron Library Consortium and the City of Louisville for Shared Library Services***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

No comments.

CITY MANAGER'S REPORT

Deputy City Manager Balser reminded Council and the residents the Parade of Lights in Downtown Louisville is this Friday beginning at 6:00 p.m.

REGULAR BUSINESS

RECOGNITION OF MEMBERS OF THE HORTICULTURAL AND FORESTRY ADVISORY BOARD

Parks Superintendent Johnson explained the responsibilities of the Horticulture & Forestry Advisory Board (HFAB), along with new responsibilities, will be transferred to the newly established Parks & Public Landscaping Advisory Board effective December 31, 2015. To recognize this transition, Mayor Muckle and Parks Superintendent Johnson thanked the current HFAB members for their many volunteer hours serving on the HFAB and presented them with plaques.

Michael Frontczak (Chair)	15 Years of Service
Ellen Toon (Co-Secretary)	12 Years of Service
Shelly Alm	5 Years of Service
Beverlee White (Co-Secretary)	4 Years of Service
Neal Griggsmiller (Co-Chair)	3 Years of Service
Mark Newland	3 Years of Service
K. English Hopkins	1 Year of Service

Mayor Muckle thanked the HFAB Board for the service to the City. Council member Loo stated as the Council liaison for the HFAB Board, she found them to be the kindest and friendliest advisory board in the City. She also thanked them for their service.

CLIMBING GYM/BREW PUB IN CTC

- 1. ORDINANCE No. 1708, SERIES 2015 – AN ORDINANCE APPROVING THE VACATION OF A 25-FOOT WIDE EMERGENCY ACCESS EASEMENT LOT 1, BLOCK 2 OF THE PARK AT CTC – 2nd Reading – Public Hearing**
- 2. RESOLUTION No. 86, SERIES 2015 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT (PUD) AND SPECIAL REVIEW USE (SRU) TO ALLOW FOR THE CONSTRUCTION OF A NEW 24,282 SF CLIMBING GYM AND 4,701 SF BREW PUB IN THE COLORADO TECHNOLOGY CENTER**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced the two agenda items: Ordinance No. 1708, Series 2015 and Resolution No. 86, Series 2015. He explained Ordinance No. 1708 facilitates the climbing gym and brew pub project (Resolution No. 86). Members of the public may comment on either item. Council approval of the ordinance and resolution must be done by separate motions.

Mayor Muckle opened the public hearing and requested a staff presentation.

Planner I Trice explained Ordinance No. 1708, Series vacates a 25-foot wide emergency access easement Lot 1, Block 2 of the Park at CTC. Resolution No. 86, Series 2015 approves a Final Planned Unit Development (PUD) Plan and Special Review Use (SRU) to allow the construction of a 24,282 SF climbing gym and 4,071 SF brew pub in the Colorado Technology Center.

Climbing Gym/Brew Pub: The property is zoned Industrial (I), and is on the corner of Cherry and Dogwood. A PUD and SRU are required. The Climbing Gym is 24,282 SF and will be a public/private school. The Brew Pub is 4,407 SF and will be an indoor eating and drinking establishment.

The Climbing Gym/Brew Pub exceeds 25% of the minimum landscape coverage and meets all the setback requirements. The building coverage is 23,414 SF (15.3% of land use). The parking and drives is 69,188 SF (45.2% of land area). The landscaped open space is 60,467 SF (39.5% of the land area).

Parking: IDDSG – No parking requirement for uses. LMC: 1 parking space/3 seats for eating /drinking establishments. Brew Pub: 154 seats = 52 parking spaces. The proposal has 138 parking spaces and 12 bike parking spaces for both buildings. Staff recommended the following condition: If need for parking is demonstrated, applicant to provide a shared parking agreement with surrounding property owners.

Pedestrian/Bike Circulation: The proposal includes sidewalk on the north side of access drive; crosswalk to Brew Pub; bike parking and walkways from parking lots. Staff recommended a sidewalk along east side of Dogwood and improved pedestrian access to Brew Pub.

Architecture – Height: 4.2 (C) of the IDDSG, stipulate the “Building height may exceed 40.0 foot height limit up to 50.0 feet, when authorized through the PUD process for buildings/users that require specialized equipment”. The Climbing Gym 68% at 40 feet; the climbing wall is 31% at 45 feet (national standard for climbing) and the mechanical screen is 1% at 50 feet. The Climbing Gym is no taller than what is allowed for other buildings in the Industrial Zone District.

Landscape: Natural, primarily featuring native species. No manicured lawns as recommended by the IDDSG.

Signs: Proposal - 29 foot X 39 foot logo sign with 8 foot letters. This exceeds the copy area, character height, and overall height allowed for walls signs in the IDDSG. Staff recommended the sign be removed from the PUD application. The CTC Owner’s Association concurs with staff’s recommendation.

PUD Waivers: 1) Landscape: The applicant is requesting a waiver of the requirement for manicured lawns. 2) Signs: The applicant is requesting to paint a wall sign/mural on the west elevation, which does not meet the sign allowances in the IDDSG.

Staff considered the additional sidewalk connection, bike parking, overall design of the buildings, and additional landscaping as public amenities exceeding the requirements of the IDDSG. Staff recommended approval of the landscape waivers based on these additions, but did not recommend approval of the wall sign waiver request.

SRU Criteria: Staff found Criteria 1 – 3 were met. Criteria 4 – Staff requested the signs on the west elevation of the Climbing Gym either be brought into compliance or removed before this criterion can be met. Criteria 5 – Staff requested sidewalk improvements along Dogwood Street and access to the Brew Pub before this criterion can be met.

Staff recommendation: Approval of Ordinance No. 1708, Series 2015; the approval of the vacation of a 25-foot wide emergency access easement with Lot 1, Block 2, of The Park at CTC. Approval of Resolution No. 86, Series 2015, approving a final Planned Unit Development (PUD and Special Review Use (SRU) to allow for a 24,282 SF Climbing Gym and 4,071 SF Brew Pub in the Colorado Technology Center with the following conditions:

1. The applicant shall remove the proposed sign on the west elevation.
2. If parking shortages are demonstrated on the site, the applicant shall develop a shared parking agreement with a neighboring property.

3. The applicant shall construct a sidewalk along Dogwood Street, from Cherry Street to the mid-block access drive. Also, the sidewalk shall extend along the south side of the access drive to the entrance of the Brew Pub.

COUNCIL QUESTIONS

Council member Loo inquired whether the CTC Owners Association had any other objection to the proposal other than the signage. She asked if there was any objection to the height. Planner I Trice explained there was no objection to the height. Other comments were made, but have been addressed.

APPLICANT PRESENTATION

Andy Johnson, DAJ Design, 920 Main Street, Louisville, CO introduced Mr. Clint Dillard, who is one of the owners of the climbing gym.

Clint Dillard, 754 W. Aspen Way, Louisville, CO explained about two years ago he decided he wanted to build a climbing gym. He noted he is a long-time climber and long-time resident of Louisville. He and his family and friends all drive into Boulder and Denver to use their climbing facilities and noted Boulder has five climbing gyms. He felt this project would be a great addition to the City.

Mr. Johnson, stated the applicant is proposing to build a 24,282 SF climbing gym and a 4,701 SF brew pub. A parking comparison was completed on climbing gyms in Boulder, Thornton and Golden. Based on that information, 138 parking stalls are proposed for this project, in lieu of the 114 required parking stalls. The applicant feels the parking is adequate for the climbing and brew pub 98-99% of the time. He noted the facility will be a competition gym and there may be times when the owner would be required to apply for a special events permit for larger events.

He reviewed the walkway to the brew pub and explained it connects directly to the outdoor patio and front entry. There are two signed entries, one off Cherry and one off Dogwood. All the pathways meet the requirements of the Fire Department. The site design and grading will minimize the earth work in the area.

All of the development minimizes the impact on the irrigation ditch. Stormwater detention treatment is contained within the developed site and no stormwater will be dispensed into the streets. The landscape will be xeriscape with native plantings to minimize the maintenance and create a natural environment. The lawn will be seeded instead of sod to minimize the amount of maintenance. Everything meets the Industrial Design guidelines. The existing trees along Cherry will remain.

He reviewed the architectural elements of the climbing gym building. The design is a big box, with 40' walls for competition. The front entry is carved out like a rock form and has screened siding with the same profile so light filters through. The brew

pub is located across from the climbing gym and follows the design principles of the gym, but on a smaller scale. The brew pub has outdoor seating enclosed by metal fencings. It will have a partially covered and uncovered area. The brew pub design is based on a free standing element. The graphic on the outside of the building (signage) is a portion of the logo. There are matching logos on the climbing gym and brew pub. The applicant wished to pursue the signage. The building is south facing and is being designed to be energy efficient and solar panels are proposed in the future.

COUNCIL COMMENT

Council member Loo asked if the graphic would be allowed if there wasn't any wording. Planner I Trice explained it would still be characterized as a sign because it is the logo.

Council member Loo asked the applicant about the CTC Owners Association's objection to the logo. Mr. Johnson stated they do not know why the CTC Owners Association objected to the logo. Planner I Trice explained the signage was not a part of the original submittal when it was referred to the CTC Owners Association. Staff forwarded the signage request to the CTC Owners Association and they concurred with staff's recommendation.

Council member Keany explained he called staff about the classification of a school for recreation facilities and was told there is no such classification. He asked staff to bring back a classification change. He felt there should be some sort of classification use within the community. He had concerns it conflicted with other portions of the Code limiting businesses within a certain distance from a school. Planner I Trice explained the LMC specifies schools in the definition of medical and recreational marijuana as public and private, pre-school, elementary, middle, junior high or high school so would not apply here. She noted the surrounding area is industrial, which would not allow marijuana.

Interim Planning and Building Safety Director Russ explained the definition is also used by the Local Licensing Authority for alcohol related licenses. He noted staff agrees and the Planning Commission prioritized creating a use definition for fitness facility in the use table of the Louisville Municipal Code. Staff is in the process of creating a definition.

Council member Stolzmann stated this is an excellent application and she was excited to see this project come to Louisville. She addressed Use Group 9 –Public and private schools, studios for profession work, teaching for fine arts, photography, drama, dance, but not including a commercial gymnasium. She asked staff to elaborate how this proposal fits into Use Group 9.

Planner I Trice explained the proposal falls into Group 9 because they will be teaching classes. She asked the applicant to explain what will be taught at the climbing gym. Mr.

Dillard explained they will cater to all ages by providing a climbing school, programs, summer camps, climbing, crafts for children, fitness classes and a yoga studio. Council member Stolzmann asked if the CTC Owners Association has their own process to approve or deny the design. Planner I Trice explained they do have their own processes. She noted the logo was not a part of the original submittal and therefore the CTC Ownership Association would have to review this again.

Council member Stolzmann asked for confirmation the City's approval and the CTC Ownership Association approval is not linked.

City Attorney Light explained the two are not linked. The covenant/design review is independent from the City's zoning review. There is a relationship, but private covenant control cannot permit what governmental zoning would disallow. The applicant was agreeable to the staff recommendation to remove the sign element from the PUD, but that does not preclude the applicant from filing a subsequent PUD amendment for Council consideration. He addressed the use groups issue and explained the intent is to look at the principal of the primary use when there is a mix of uses. Because there are classes it would fall under the school even though there are other categories such as indoor commercial amusement. He agreed it is important to make a legislative change so other users, subsequent users or lenders are not subject to requesting letters from the City that this is a permitted use under the zoning.

Council member Maloney addressed the parking and inquired about the maximum number of participants who could be using the facility at one time. Mr. Dillard explained he spent a lot of time looking at other facilities parking lots and planning for sufficient parking. He voiced his belief they will have the best parking. At peak hours there would be 100 parking spaces, with overflow. Also at the CTC, at five o'clock most of the businesses are closing, freeing up more parking spaces. If there is a competition and more parking is required, they will work out an agreement for shared parking.

PUBLIC COMMENT

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO addressed the City's sign code and stated it does not work for the vendors, owners or the tenants. He suggested the sign code be changed and urged Council to approve the sign as it is proposed. He noted the CTC Owners Association will have final say, but if Council approves the sign, the CTC Owners Association may change their minds.

COUNCIL COMMENT

Mayor Pro Tem Lipton stated he was looking forward to seeing the proposal go forward. He voiced his concern with the signage and noted when he was on Planning Commission there has always been some proposal for different signage. He stressed the importance of being consistent. He was not sure about taking each request for

signage on a case-by-case basis. He would support reviewing the Industrial Signage Guidelines. He voiced his support for the project.

Council member Keany supported the proposal for the climbing gym and the brew pub. He supported the large graphic without the lettering. He felt it would add character to the building, but not detract from the rest of the industrial park.

Council member Stolzmann addressed the process and felt an ordinance should have been brought before Council to create a use group before this application went forward. She did not believe the use group fit the description described by staff. She felt it could be defined as indoor amusement. She noted all 5 criteria of the SRU have been met including the sign waiver criteria. Since the wall is so large, the logo minimizes the size of the building. She considered the application as an indoor amusement establishment. She hoped staff would bring back an ordinance for recreational facilities within the industrial zone. She stated she understood the financial constraints, but liked the glass in the entry way as originally proposed.

Mayor Muckle voiced his excitement over the project and appreciation for the design and the energy efficiency. He agreed it could be passed as a commercial for entertainment. He would support the sign as proposed and the approval of the project. He noted the CTC Owners Association will have the final say.

Council member Leh stated when he was on Planning Commission they reviewed many proposals at CTC. He felt it would be a wonderful addition to the City. He supported Council member Keany's suggestion to allow the graphic but not the lettering. He supported changes to the Industrial Signage Guidelines.

Council member Loo agreed with other Council members comments. She liked the sign and considered the logo as art. She stated there is some precedence for such a sign when Council approved a similar request for a proposed art facility off Highway 42. She was in favor of keeping the logo as proposed. If Council approves the signage the CTC Owners Association may still disapprove such signage.

City Attorney Light addressed the CTC Owners Association approval or disapproval and explained the general understanding of the covenants is compliance. He explained there may be a covenants and a review process by the CTC design group.

Council member Loo stated she liked the design, but surrounding businesses may not. She did not want to approve the signage without the neighboring businesses support as a condition of approval.

Mayor Muckle supported conditioning the approval based on the CTC Owners Association approval.

City Attorney Light voiced his concern over such a condition as it delegates that portion of approval to a non-public entity. If the resolution is approved as written, the applicant still has the option to go through an additional City process, which will provide full notice.

Mayor Pro Tem Lipton asked if the signage is approved, does such approval lie with the building or the owners or does it expire upon change of ownership. City Attorney Light explained depending what a new owner wanted to do; it may require a PUD amendment. This PUD would approve the proposed design. Interim Planning and Building Safety Director Russ explained it is a very slippery slope for staff. How would staff hold the criteria of the application to other applications? He noted this logo and signage did not come in thru the PUD process and was not noticed. It came in on their second submittal. He agreed, as did the Planning Commission, the IDDSG should be updated.

Council member Keany asked if the logo could be a part of the architectural feature. Interim Planning and Building Safety Director Russ explained paint is not architecture.

PUBLIC COMMENT

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO did not agree and stated he saw no reason to deny this request, based on the quality of the design.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

COUNCIL COMMENT

Council member Stolzmann voiced her concern over the confusion of the process. She stated the sign meets the SRU criteria, but she was concerned there was not a use group for the gym.

Council member Keany supported moving forward with the signage as presented. He felt another use group would have been more appropriate.

ORDINANCE No. 1708, SERIES 2015

MOTION: Mayor Muckle moved to approve Ordinance No. 1708, Series 2015, seconded by Council member Maloney. Roll call vote was taken. The motion carried by a vote of 7-0.

RESOLUTION No. 86, SERIES 2015

MOTION: Mayor Muckle moved to approve Resolution No. 86, Series 2015, striking the second condition, seconded by Council member Keany. All were in favor.

RESOLUTION No. 87, SERIES 2015 – A RESOLUTION APPROVING A FIRST AMENDMENT TO A GRANT OF CONSERVATION EASEMENT IN GROSS FOR THE REX THEATRE – 817 STREET

Mayor Muckle requested a staff presentation.

Planner I Trice explained Resolution No. 87, Series 2015 is a request to amend the Grant of Conservation Easement in Gross for the Rex Theatre at 817 Main Street. The applicant is requesting to modify the façade of the building facing Main Street. The structure was built circa 1900 and the conservation easement was approved by City Council on May 23, 2011 and Resolution 83, Series 2011. The applicant is requesting to modify the façade. The applicant is requesting the following changes:

- Remove marquee
- Remove marquee from list of “Historic Elements”
- Remove “REX” letters and allow for business sign within screened area
- Remove “REX” letters from list of “Historic Elements”
- Recess storefront and open port with wood railings and panels
- Add Open Porch to list of “Historic Elements”
- Add lighting to arch
- Add “REX” Historic Marker Plaques

Staff believes the design is an improvement from the original conservation easement and will be a more consistent restoration of the façade. It will have a higher quality of materials; will restore the recessed entry from the early 20th century Rex Theater and will allow for more flexibility with building signage.

The request: The proposed design minimizes the historic building name “Rex Theater”. The Applicant is proposing plaques on the façade of the building to recognize the history of the building. The Applicant is not asking for any additional grant moneys from the Historic Preservation Fund. The City can, if desired, negotiate with the applicant to have them repay some of the HPF funds in exchange for amending the conservation easement. Staff believed the proposed design will have a positive impact on the structure and overall character of Main Street. Staff did not recommend an exchange of funds in order to amend the Conservation Easement.

Historic Preservation Commission Action: The Historic Preservation Commission held a public hearing on October 19, 2015 and discussed several elements of the proposed design. No formal recommendation from the HPC was voted upon or advanced to City Council. Their discussion included the following:

- Retain the REX letters, add “theatre”, and move the business signage below
- Changes restore the façade to the early 20th century design of the structure
- Interest in having a successful business on Main Street
- Plaques on the façade are preferred

Alternate Design: An alternative design was proposed in response to HPC discussion to retain the “REX” letters and which places the business sign below. Staff believed this will create visual clutter and confusion. Staff believed the eye-level interpretive plaques will share the history of the building. Staff did not recommend the alternative design.

Staff Recommendation: The proposed changes enhance the character of 817 Main Street. Staff recommended the resolution approving a First Amendment to a Grant of Conservation Easement in Gross for the Rex Theatre, 817 Main Street with the following conditions:

- A. The label on Exhibit C regarding the mesh sign shall be revised to read as follows; Screened Sign Field (Business Sign, subject to sign permitting requirements only).
- B. The Language and design of the plaques are subject to review and approval by City Staff and the Historical Commission prior to installation.

APPLICANT PRESENTATION

Joshua Karp, Applicant, 817 Main Street, Louisville, CO stated he was available to respond to the Council’s questions on the proposed design or placement of plaques.

COUNCIL COMMENTS

Council member Stolzmann asked if public funding was used to put the letters on the façade. Planner I Trice confirmed it was attached to the original easement. The grant included the letters, the meshing, painting and installation.

Council member Keany voiced his support for the proposal. He felt this is an improvement and a better representation of the 1918 photo of the building than the 1950 rendition. He did not have a problem with changing the signage.

Debbie Fahey, Historic Preservation Commission member, 1117 W Enclave Circle, Louisville, CO stated at the HPC meeting, there was discussion on all the elements of the requested changes. The members agreed with all the requested changes and felt there were improvements, with the exception of changing the Rex Theatre letters. She explained the big letters on the building were important because it was the original look of the building. She noted Historic Preservation Fund paid \$60,000 for the signage.

COUNCIL COMMENT

Council member Maloney agreed with Council member Keany’s comments. He supported the proposed design and the staff’s recommendation.

Council member Keany stated he understood the desire to keep the Rex Theatre sign, but also felt there would be confusion with more than one sign.

Council member Loo commented the sign could be placed inside the building.

RESOLUTION No. 87, SERIES 2015

MOTION: Council member Keany moved to approve Resolution No. 87, Series 2015, seconded by Council member Loo.

COUNCIL COMMENT

Mayor Muckle agreed the proposed change would be an improvement.

Council member Stolzmann supported the new design, but expressed her regret the sign would be removed.

VOTE: All were in favor.

**RESOLUTION No. 88, SERIES 2015 – A RESOLUTION APPROVING A FINAL
SUBDIVISION REPLAT AND PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW
FOR THE CONSTRUCTION OF A 8,870 SF MEDICAL CLINIC AND URGENT CARE
AT 511 EAST SOUTH BOULDER ROAD**

Mayor Muckle requested a staff presentation.

Interim Planning and Building Safety Director Russ explained Resolution No. 88, Series 2015, if authorized approves a final Subdivision Replat and Planning Unit Development (PUD) to allow the construction of an 8,870 SF Medical Clinic and Urgent Care at 511 E. South Boulder Road.

Land Use and Zoning: The Zoning is Community Commercial (CC) Zone District. The proposed Use is an Urgent/Emergency Care facility.

Description: The facility's design and proposed operation does not include rooms or the practice for the abiding, or the extended care of patients and no ambulance delivery. Staff interpreted the requested land use as a medical clinic. Medical Clinic (Use Group 29) is a use by-right in the CC zone District. Section 17.08.070 of the LMC defines a clinic to mean "offices for one or more physicians, surgeons, dentists or other practitioners of the healing arts, but does not include rooms for the abiding of patients".

Replat and Final PUD: The request complies with Section 16.16.040. Staff recommended two conditions of approval:

1. The applicant shall add “and to the City of Louisville the City drainage easement, as shown of the accompanying plat...” to the new easement dedication language in the Replat.
2. The applicant shall comply with the November 5, 2015 Public Works memo prior to recordation.

Planned Unit Development (PUD): The request complies with the Commercial Development Design Standards and Guidelines (CDDSG) with two waivers:

1. The applicant is requesting a 22-foot front setback, where 30 feet is required.
2. The applicant is requesting retail allowances in the CDDSG be applied to the building's wall.

Staff supported the requests as allowed in the Section 17.28.110 and in light of the applicant's public easement dedication along SBR and enhanced design provided for the sidewalk (8') and Halo-lit signs.

Staff Recommendation: Staff recommended City Council approval of Resolution 88, Series 2015 with the following conditions:

1. The applicant shall add, “and to the City of Louisville the City drainage easement, as shown on the accompanying plat...” to the new easement dedication” language in the Replat.
2. The applicant shall comply with the November 5, 2015 Public Works memo prior to recordation.

COUNCIL COMMENT

Council member Maloney inquired about the separation of the urgent care facility from the emergency services and asked how it is captured in the resolution. Interim Planning and Building Safety Director Russ explained the long-term abiding of patients is not included in the business plan. Long-term abiding of patients would require a special review; otherwise it is a use-by-right for a medical clinic. There is no extended care of patients and no ambulance delivery according to the PUD.

APPLICANT PRESENTATION

Dennis Barts, CEO, Avista Hospital, stated it was his pleasure to present their Medical Clinic and Urgent Care facility in Louisville. It will provide urgent care and emergency services to Louisville and also improve the area. Avista Hospital has been in Louisville since 1990 and will soon celebrate the birth of 50,000 babies. He voiced his appreciation to be located in Louisville and provide healthcare to the community. He reviewed their mission statement and stated this facility will help take care of people who are sick and nurture the health of the people in the community. Their patients' satisfaction ranks in the 98 percentile in terms of communication, responsiveness, and

pain management. Their philosophy is about wellness and includes: choice, rest, the environment of trust and things that make for a healthy community.

They started in 1895 at the Boulder Sanitarium; in 1962 the Sanitarium became the Boulder Memorial Hospital, and in 1990, they moved to the Avista Hospital in Louisville. They are part of the Centura Health Network, which is the largest healthcare system in the state of Colorado. They have 16 hospitals and 10 affiliated hospitals in the state.

He addressed the proposal, which is an emergency and urgency care center. He referred to it as an urgency center. An urgency center is different from a free standing emergency center. It combines an emergency room along with an urgent care center. The facility is open 24/7, 365 days per year. Pricing is for urgent care and not for emergency care. They provide timely and appropriate emergency care and partner with the community physicians. No one will leave the urgency center without a referral to a primary care physician. The facility will be staffed by a PA or a nurse practitioner, a board certified emergency room physician, nurses and paramedics. It has the pricing advantage and convenience advantage of an urgent care center along with medical qualification of an emergency room. The facility is 8,900 SF, has 8 emergency and urgent care exam rooms, a lab, imaging on site, but will not accept ambulances. The building will also be very attractive, with landscaping and bike racks.

COUNCIL COMMENT

Mayor Pro Tem Lipton inquired whether there will be any pharmacy services on site. Mr. Barts responded not at this time, but is not precluded in the future.

Council member Keany asked how patients would know whether they are being charged for urgent care or emergency care. Mr. Barts explained patients will be notified after the original screening.

Council member Stolzmann asked about the lot coverage for the building. Interim Planning and Building Safety Director Russ explained there is a waiver request for the lot coverage. It is an improvement over the current building, but it does not meet Commercial Standards. He voiced his belief it is 82% of the proposed lot coverage.

Council member Stolzmann asked about the square feet of the lot. Planning and Building Safety Director Russ stated he would have to refer to the Plat.

Council member Stolzmann wondered if the 8' sidewalk was enough of a public benefit to allow the 22' setback and the other waivers.

PUBLIC COMMENT

Cindy Bedell, 662 W. Willow Street, Louisville, CO stated the proposed building looks very nice, but she opposed the setback waiver to bring the building closer to the road.

She noted many citizens have said they want Louisville to have a small town feeling rather than an urban feeling. She felt landscaping and setbacks are critical design features and once the buildings are moved closer to the sidewalks, the character of this area will be forever changed. The proposed 22' setback is only consistent with Alfalfas and the neighboring shops. She requested the Council deny the waiver and make the setbacks 30'.

COUNCIL COMMENT

Mayor Pro Tem Lipton stated he was generally in favor of the proposal. The building is well designed and will fit in with the rest of the shopping center. He felt it is a necessity for the community to have an urgent care center. He would vote in favor of the project.

Mayor Muckle supported the proposal. He felt the design of the building and 8' sidewalk would be of significant value to the community. He understood Ms. Bedell's concerns relative to the setback along South Boulder Road, but felt it would be consistent with the rest of the shopping center.

Interim Planning and Building Safety Director Russ reported on the lot coverage. He explained the current building sits back about 25', so it is a 3' decrease in the setback.

Council member Keany noted the building is articulated along the front, therefore the setbacks varies along the frontage of South Boulder Road. The 22' would be the closest point of the building. The lot coverage is actually decreased from the current building. He felt it would be an asset to the City. He supported the proposal.

Council member Loo voiced her full support for the proposal.

Council member Stolzmann stated she would rather the lot coverage go down to 70%, but supported the proposal because it is an improvement over what is currently there.

RESOLUTION No. 88, SERIES 2015

MOTION: Mayor Muckle moved to approve Resolution No. 88, Series 2015, seconded by Council member Keany. All were in favor.

Mayor Muckle asked the applicant if they have a construction schedule. Mr. Barts stated they propose to start construction in early summer 2016 and have the building completed by the end of the year.

DISCUSSION/DIRECTION/ACTION – 2016 LEGISLATIVE AGENDA

Mayor Muckle requested a staff presentation.

Deputy City Manager Balser reviewed the draft Louisville Legislative Agenda for the upcoming 2016 General Assembly. These issues will be included in a 2016 Legislative

Pamphlet distributed to the Boulder County legislators at the City's legislative breakfast, which is scheduled for January 8, 2016, 7:30 am, at the Louisville Public Library. Staff requested feedback on the Legislative Agenda for formal inclusion in the 2016 Legislative Pamphlet. She reviewed the significant changes to the legislative agenda.

LOUISVILLE 2016 LEGISLATIVE AGENDA

Tax Policy: Position: Consistent with past years.

Home Rule: Maintaining Local Control: The City is supportive of rules and legislation that maintains its home rule authority to regulate oil and gas development, expands communication and notification to all impacted communities and codifies use of best management practices to mitigate operator impacts

Land Use, Development and Revitalization: The City supports clarification of urban renewal and tax increment financing legislation to address ambiguities of HB15-1348.

Transportation: The City supports legislation allowing US 36 BRT vehicles to use "Bus on Shoulder" for local service.

Affordable Housing: State Low Income Housing Tax Credits: The City supports legislative action in 2016 to continue the state low income housing credit operated through CHFA as another tool to support the development of affordable housing in communities. Boulder County Housing Authority has received the largest state allocation of tax credits for the affordable housing "Kestrel" project in Louisville

COUNCIL COMMENT

Mayor Muckle explained Senate Bill 152 frees municipalities from the requirement to provide a vote for internet services.

Council member Maloney asked about the rule making processes to address ambiguities in the urban renewal law. Deputy City Manager Balser stated it would take another bill to clarify HB15-1348.

Council member Maloney asked what legislator would bring the bill forward to the legislators. Deputy City Manager Balser stated it would be Speaker of the House Hulinghorst. She explained Louisville and many communities in Boulder County have been following this legislation very closely. Mayor Muckle explained he and Deputy City Manager Balser have already discussed this matter with Speaker House Hulinghorst and she seems very serious about clarifying the House Bill.

Council member Keany asked staff to provide, in the future, a red-lined version to differentiate the legislative agendas from year to year.

Council member Stolzmann offered some suggested language to the legislative agenda text. She offered the following suggestions:

Energy and Environment (First Bullet): Deleting everything after energy sources. The sentence would read: The City supports the development of a balanced, long-term statewide energy plan with an overall goal of reducing greenhouse gas emissions by utilizing a combination of energy sources. She also suggested adding a new bullet to encourage legislators to take action on emissions to get the ozone back into compliance.

Mayor Muckle supported Council member Stolzmann's revisions and suggested the following language: Support the state pursuing policies that achieve air quality standards. There was Council consensus.

Council member Loo addressed Council member Stolzmann's first suggested revision and stated she felt the descriptive language on energy sources should be left in. There was Council consensus.

Land Use, Development and Revitalization: (Sixth Bullet) "The City opposes legislation that would unreasonably restrict the use of tax increment financing or eminent domain for redevelopment projects." Council member Stolzmann questioned what is meant by "unreasonably restrict". She noted there could be more improvements to the Urban Renewal Law and she did not want there to be an impression the City does not want any further improvements to the law. Mayor Muckle agreed the City does not want to give the impression the City wants to restrict the tools of urban renewal. He suggested adding something similar to the following sentence: "While we support improvements to the urban renewal legislation, we do not want to restrict." There was Council consensus.

Water Issues: Council member Stolzmann suggested adding language to permit rain barrel use, improving water rights laws in Colorado on gray water and other general water principals. There was Council consensus.

**ORDINANCE No. 1709, SERIES 2015 – AN ORDINANCE AMENDING CHAPTER
15.36 OF THE LOUISVILLE MUNICIPAL CODE REGARDING HISTORIC
PRESERVATION – 1st Reading – Set Public Hearing 12/15/15**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1709, Series 2015.

MOTION: Mayor Muckle moved to approve Ordinance No. 1709 Series 2015 on first reading, ordered it published and set a public hearing for December 15, 2015, seconded by Council member Keany. All were in favor.

**BOULDER COUNTY HOUSING AUTHORITY KESTREL DEVELOPMENT –
245 NORTH 96TH STREET**

- 1. ORDINANCE No. 1710, SERIES 2015 – AN ORDINANCE APPROVING A 5TH AMENDMENT TO THE TAKODA GENERAL DEVELOPMENT PLAN (GDP) TO ALLOW UP TO 231 RESIDENTIAL UNITS AND UP TO 64,468 SQUARE FEET OF COMMERCIAL DEVELOPMENT FOR THE PROPERTY KNOWN AS THE 245 NORTH 96TH STREET ANNEXATION – 1st Reading – Set Public Hearing 12/15/15**
- 2. RESOLUTION No. 89, SERIES 2015 – A RESOLUTION APPROVING THE FINAL SUBDIVISION PLAT AND PLANNED UNIT DEVELOPMENT (PUD), FOR KESTREL, LOCATED AT 245 NORTH 96TH STREET TO ALLOW THE DEVELOPMENT OF 191 RESIDENTIAL UNITS AND UP TO 5,977 SQUARE FEET OF NON-RESIDENTIAL DEVELOPMENT**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1710, Series 2015 and Resolution No. 89, series 2015. This is an amendment to the General Development Plan to increase the commercial square footage.

MOTION: Mayor Muckle moved to approve Ordinance No. 1710, Series 2015 on first reading, ordered it published and set a public hearing for December 15, 2015, seconded by Council member Loo. All were in favor.

Resolution No. 89, Series 2015 was continued to December 15, 2015.

CITY ATTORNEY'S REPORT

No items to report.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF
FUTURE AGENDA ITEMS**

Council member Loo wanted to make Council aware that on the west side of the Davidson Mesa CDOT is making improvements to Highway 36 and that a large steel girder will be in place neat the Overlook that obstructs the views. She requested staff follow-up on this project. She requested a study session topic on how surveys are circulated. She felt an Advisory Board's survey should have been reviewed by Council to determine whether it concerns a policy issue.

Mayor Muckle would schedule this for a study session at Council member Loo's request, but noted Study Sessions in 2016 are meant to discuss budget items. Council member Loo felt this could be discussed as one of Council's main priorities at the Council retreat.

Mayor Muckle explained such agenda items for the Council Retreat should be identified early so the information can be compiled. Council member Leh requested a soft deadline for submittals. Mayor Muckle stated January 10th.

Council member Keany reported, due to a conflict he will not be able to attend the Louisville Youth Advisory Board meeting this Thursday, which will be held at the Library Board Room. Planner I Lauren Trice and Open Space Coordinator Ember Brignull will be presenting a program for the Board. The Board will discuss their major goals for 2016, which include trails, youth safety and transportation in Louisville. He also reported on an email on a proposal for a large shopping center with a grocery store anchor at the corner of Paschal Drive in Lafayette. He felt Council should take a position on this as it would be a terrible entry way into the City of Louisville.

Mayor Pro Tem Lipton inquired whether there is an IGA with Lafayette for the land use in this area. Interim Planning and Building Safety Director Russ explained there is only an IGA for the funding of the traffic signal.

Council member Stolzmann reported on the DRCOG meeting where they have been working on the Regional Comprehensive Plan. At the December 16th Board Meeting there will be an Open House and she invited Council members to attend with her. She explained DRCOG has lobbyists at the state and federal level. Federal lobbyists have been following all the changes in transportation funding and trying to lobby that a bill not appropriate transportation funds only for a few weeks, but rather a number of years as intended. She explained it deals with how much of the general fund is allocated to transportation and how it is appropriated between the states. DRCOG is participating with a group from Oregon and looking at alternatives to fund transportation in the future.

Mayor Pro Tem Lipton addressed the surveys conducted by advisory boards and agreed this could lead to difficulties later. He felt a City Council discussion on surveys would provide direction to the Advisory Boards. He announced there will be a Open House on Wednesday, December 2 at the Louisville Recreation Center, 6:30 p.m. to discuss the Memory Square Pool Issues. On December 9, there will be an Open House to discuss the Recreation/Senior Center and Aquatic Center Expansion. It will be held at the Recreation Center at 6:30 p.m.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Keany. All were in favor. The meeting was adjourned at 9:35 p.m.

Robert P. Muckle, Mayor

Nancy Varra, City Clerk